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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,037	10/21/2003	Emi Kita	244045US3CIP	4664
22850	7590	02/10/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,037

Applicant(s)

KITA, EMI

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/412,390.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/03 & 12/8/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “27” has been used to designate both an output tray and fixing roller and reference character “90” has been used to designate both an intermediate transfer unit and a nozzle. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities.

On page 9, line 20; and on page 10, lines 8 and 14, “11” should be changed to “12”.

On page 15, line 14, “58C” should be changed to “58”.

On page 19, line 19, “66” should be “166”.

Appropriate correction is required.

Claim Objections

3. Claim 7 is objected to because of the following informality.

On line 4 of claim 7, “shatter” should be changed to “shutter”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Muramatsu et al. (US 6,628,915).

6. Muramatsu et al. (...915) disclose an image forming apparatus comprising: a development mechanism configured to develop an electrostatic latent image formed on an image carrying member into a visual image (col. 1, lines 12-22); a toner storage (20) detachably installed and configured to store toner therein; a toner transporting mechanism configured to transport the toner from the toner storage to the development mechanism (col. 3, lines 34-48); a supporting device configured to detachably support the toner storage therein and to move between a set position at which the toner storage is engaged with the toner transporting

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mechanism and a tilt position at which the toner storage is disengaged from the toner transporting mechanism (col. 7, line 20 – col. 8, line 46). The supporting device at the tilt position extends out such that at least a portion of the toner storage supported by the supporting device projects from an outside surface of the apparatus (figure 13). A nozzle (110) for transporting the toner wherein the toner storage comprises a sack (22) for containing toner and a ring portion (23) having a toner discharging unit at a bottom portion of the sack, and the toner transporting mechanism transports the toner in the toner storage to the development mechanism when the nozzle is connected to the ring portion (col. 7, line 20 – col. 8, line 46). The nozzle connects to and disconnects from the ring portion when the toner storage is inserted into and extracted from the supporting device (col. 7, line 20 – col. 8, line 46). The nozzle is inserted into and extracted from the ring portion when the supporting device moves between the set position and the tilt position (col. 7, line 20 – col. 8, line 46). The toner storage includes a shutter (81) configured to close the toner discharging unit of the toner storage and the shutter replaces the nozzle and moves between a closed position and an opened position of the toner discharging unit. The supporting device comprises an interlocking mechanism configured to move between the closed position and the opened position of the shutter in conjunction with insertion and extraction of the nozzle (col. 7, line 20 – col. 8, line 46).

7. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabumoto et al. (US 2002/0009310) in view of Jacobs et al. (US 5,282,002).

11. Kabumoto et al. (...310) disclose an image forming apparatus comprising: a development mechanism configured to develop an electrostatic latent image formed on an image carrying member into a visual image ([0046] – [0048]); a toner storage (100) detachably installed and configured to store toner therein ([0051]); a toner transporting mechanism configured to transport the toner from the toner storage to the development mechanism ([0053] – [0057]); a supporting device (200) configured to detachably support the toner storage therein and to move between a set position at which the toner storage is engaged with the toner transporting

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mechanism and a position at which the toner storage is disengaged from the toner transporting mechanism ([0060] – [0064]). The set position of the supporting device is located underneath a control panel of the apparatus (figure 6). A nozzle (160) for transporting the toner wherein the toner storage comprises a sack (102) for containing toner and a ring portion (figures 2 and 3) having a toner discharging unit at a bottom portion of the sack, and the toner transporting mechanism transports the toner in the toner storage to the development mechanism when the nozzle is connected to the ring portion ([0051] – [0058] and figure 3). The nozzle connects to and disconnects from the ring portion when the toner storage is inserted into and extracted from the supporting device ([0051] – [0058]). The nozzle is inserted into and extracted from the ring portion when toner storage moves between the set position and the disengaged position ([0051] – [0058]). The toner storage includes a shutter configured to close the toner discharging unit of the toner storage and the shutter replaces the nozzle and moves between a closed position and an opened position of the toner discharging unit ([0051]). The supporting device comprises an interlocking mechanism configured to move between the closed position and the opened position of the shutter in conjunction with insertion and extraction of the nozzle ([0051]). However, Kabumoto et al. (...310) do not disclose the supporting device supporting the toner storage in the tilt position where toner storage is supported to be projected from an outside surface. Jacobs et al. (...002) discloses an image forming apparatus including a toner storage device with a supporting device that supports the toner storage between a set position and a tilt position where the toner storage is projected outwardly (col. 11, lines 6-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed supporting device

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supporting the toner storage in the tilt position where toner storage is supported to be projected from an outside surface, since such allows easy removal of the toner storage.

Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yanagisawa et al. (US 2001/0051062) disclose a toner storage including a sack, and a toner transporting mechanism including a nozzle.

Aoyama (US 5248847), Rydelek et al. (US 5,268,719), Corby et al. (US 5,313,993), Muramatsu et al. (US 5,953,567) and Terazawa et al. (US 6,678,492) were cited in the parent application 10/412390.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

February 4, 2005